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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,863	02/16/2001	Jafar Nabkel	020366-066900	6341
20350	7590	08/09/2005	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			AL AUBAIDI, RASHA S	
			ART UNIT	PAPER NUMBER
			2642	

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/785,863	NABKEL ET AL.	
	Examiner	Art Unit	
	Rasha S. AL-Aubaidi	2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION:

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 May 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 38 and 39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 38-39 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed May 23, 2005 has been entered. No claims have been amended. No claims have been added. No claims have been cancelled. Currently claims 38-39 are still pending in this application.

Claim Rejections - 35 USC § 103

2. Claim 38 is rejected under 35 U.S.C. 103 (a) as being unpatentable over McLeod et al (US PAT # 5,222,120) in view of Kung et al. (US PAT # 6,373,817).

Regarding claim 38, McLeod teaches a method for providing information services to a subscriber, comprising (col. 2, lines 18-20): at a network component of a communication network, receiving a selection of information services from a subscriber, wherein the selection includes a Directory Number (DN) associated with the subscriber and a frequency with which the subscriber selects to receive the information services (this basically reads on the scenario of the customer/caller subscribing or registering to the desired services, see col. 2, lines 30-37) and wherein the communication network includes a plurality of subscriber lines (see col. 2, lines 18-20), each having at least one DN associated therewith; storing the selection of information services, the DN, and the frequency as a subscriber profile relating to the subscriber (storing the DN is inherent, see as well col. 2, lines 39-46); detecting via the communications network, an off-hook condition at one of the plurality of a subscriber lines (this feature is inherent), wherein

the subscriber line relates to the subscriber; in response to detecting the off-hook condition, determining the DN relating to the subscriber line (see col. 4, lines 29-32)¹; correlating the DN to a plurality of stored subscriber profiles to determine the subscriber profile relating to the DN (see, col. 2, lines 37-46 and lines 62-67); consulting the subscriber profile relating to the subscriber to determine the information services selected by the subscriber (reads on retrieving customer profile and services, col. 24, lines 45-57); based on the frequency and the selection of information services in the subscriber profile, determining information services to provide to the subscriber; and providing the information services to the subscriber via the communications network (this reads on scheduling information includes the date and time, see col. 35, lines 41-43. Also, the time, date or day of the week in the subscriber's profile would obviously reflect how often a service such as the news or the weather would be provided. The subscriber would obviously not want to listen to the weather report every 5 minutes).

McLeod does not specifically teach the limitation of "providing the information services to the subscriber via the communications network" as a result of "detecting via the communications network the off-hook condition".

However, Kung et al teach the announcement server 220 may detect the off-hook condition of the phone and play advertisements or other announcements (providing information) to the user, (see col. 10, lines 13-15).

¹ Note that many claimed features such as "the communication network includes a plurality of subscriber

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of providing an announcement (information) in response to an off hook detection, as taught by Kung, into the McLeod's system in order to provide the user with the convenience of accessing the required service such as the news, updates of the stock market, or the weather without the need to dial or memorize any access number. Also, Kung teaches a business agreement such as reduced phone rates may be provided to users who agree to listen to announcement when they go off-hook.

3. Claim 39 is rejected under 35 U.S.C. 103 (a) as being unpatentable over McLeod et al (US PAT # 5,222,120) in view of Kung et al. (US PAT # 6,373,817) and further in view of Valliani et al (US PAT # 69,311,063).

McLeod and Kung alone or in combination do not specifically teach "via the same subscriber line, receiving a pass code relating to a different subscriber".

However, Valliani teaches allowing a single mobile phone to emulate the subscriber profile-set of features of multiple mobile phone users. Each mobile phone is assigned an individual and unique mobile identification number ("MIN"). This mobile identification number is used in communications (IS-41 protocol) between the mobile

Art Unit: 2642

phone, the mobile switching center ("MSC"), the visiting location register ("VLR"), and the home location register ("HLR") to identify the mobile phone with a specific telephone number and a set of features stored within a subscriber profile. Valliani also teaches multiple mobile phones may have a single telephone number, each phone has a unique mobile identification number. A pass code may also be assigned to each predefined invoke command, such that only authorized users may assign the set of features to a mobile phone in Group A. Alternatively, Group A may include different subscriber profiles that can be activated for a single mobile phone, e.g., a husband and wife share a single mobile phone, but want to use different subscriber profiles (see col. 1, lines 55-67 and col. 2, lines 1-8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of assigning different pass code to multiple users who are sharing the same phone line, as taught by Valliani, into the combination of McLeod and Kung in order to eliminate the need to use other phone lines. Also having one phone line that can be shared by more than one user is definitely more economical. Examiner further takes Official Notice that using a shared telephone by assigning codes to the individuals who use the shared telephone is well known in the art. A small office may have a shared facsimile or telephone available to individuals who provide a pass code.

Remarks

4. Claim 38 recites the limitations "consulting the subscriber profile relating to the subscriber to determine the information services selected by the subscriber and based on the frequency and the selection of information services in the subscriber profile, determining information services to provide to the subscriber". Both references, Kung and McLeod, teach the use of scheduling, time, date and day of the week. McLeod teaches that the scheduling information includes the date and time (see col. 35, lines 41-43). Kung teaches in his system a schedule, which shows the time of the day and day of the week (see Fig. 7a-7b). One the other hand, the predetermined criteria which includes the time, date or day of the week in the subscriber's profile would obviously reflect how often a service such as the news or the weather would be provided. The subscriber would obviously not want to listen to the weather report every 5 minutes (see as well Board's decision).

It is noted that claim 38 recites features, which were finally rejected by the examiner and affirmed by the Board of Patent Appeals and Interferences.

Response to Arguments

5. Applicant's arguments filed 05/23/2005 have been fully considered but they are not persuasive.

Applicant provides an example within his argument. This example states "any of the communication network in the cited references could be a mobile phone network.

The concept of ‘off-hook’ does not apply to mobile telephone networks. Mobile telephones do not have dial tones. Hence, the feature ‘detecting... an off-hook condition’ is not inherent”. This argument is irrelevant for the following reasons:

First of all, on page 4 of applicant’s specification and specifically on the summary of the invention, applicant states “the communication network may be any suitable wired or wireless communication network”. Applicant suggested different types of environments (e.g., wireless and the like, see page 4). Applicant now discusses the cited references, and states that these references may use “a mobile phone network”. From examiner’s point of view, even if the applied reference (i.e., Kung et al) suggests different environments (see col. 2, lines 8-9) this is exactly analogous to applicant’s suggestion of using either wireless, wired communication network, ...etc (see page 4).

Second, the claims recite the “off-hook” feature, which is inherent in the wired communication network discussed in Kung and used to reject the claims. The issue of “mobile network” is irrelevant. It appears that applicant is reading into the claim’s language.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (571) 272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar, can be reached on (571) 272-7488.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner
Rasha S. Al-Aubaidi
Art Unit 2642
07/26/2005



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